

Senator Fountain moved to reconsider the vote taken yesterday to strike out section four.

The hour having arrived for the special order, viz., the consideration of bills of a private nature, the same was taken up.

Senator Evans called up House bill No. 439, "An act to authorize the Police Court of Collin county to levy and collect a special tax for the purpose of building a court house and jail." The bill was read second time and passed to third reading; rules suspended, read third time and passed.

Senator Ford called up House bill No. 442, "An act to incorporate the town of Mexia, in Limestone county." Bill read second time and passed to third reading; rules suspended, read third time and passed.

Senator Flanagan called up Senate bill No. 7, "An act to incorporate the Colorado, Austin and Lampasas Railroad Company," with amendments by the House.

The question being, Shall the Senate concur in the amendments by the House? the same was postponed until Friday next at 11 o'clock, and made the special order for that hour.

On motion of Senator Word, the Senate adjourned to 10 o'clock A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, April 3, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Baker, the secretary of the Senate was granted leave of absence for to-day.

On motion of Senator Franks, Senator Tracy was granted leave of absence until next Monday.

Journal of yesterday read and adopted.

A message was received from the House informing the Senate that the House had passed the following bills:

Senate bill No. 174, "An act to reorganize the town of Sherman, in Grayson county, Texas, and incorporate said town as the city of Sherman."

Senate bill No. 109, "An act to incorporate the town of Giddings, in Washington county."

Senate bill No. 158, "An act amendatory of an act entitled an act incorporating the city of San Antonio and other towns therein named, approved December 14, 1873; and also amendatory of an act entitled an act to amend an act to incorporate the town of Bastrop, approved February 1, 1845."

Senate bill No. 62, "An act to incorporate the Tyler Real Estate and Building Association."

Senator Ruby submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bill have examined and find correctly engrossed:

Senate bill No. 66, "An act to dedicate to the use of Travis county certain land in the city of Austin, on which to erect a court house and jail, and to enable said county to build the same."

Senate bill No. 200, "An act to amend an act incorporating the Houston and San Jacinto Canal and Navigation Company, approved August 13, 1870."

Senate bill No. 189, "An act concerning private corporations."

G. T. RUBY, for Committee.

Senator Shelley, chairman of the Committee on Finance, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred Senate bill No. 229, to be entitled, "An act to authorize the several county courts of this State to levy and collect a special tax for certain purposes," have carefully considered the same, and instruct me to report the bill back, and recommend that it do not pass.

N. G. SHELLEY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred House bill No. 178, to be entitled "An act to authorize the County Court of Navarro county to levy and cause to be collected a special tax, and to apply the same," have carefully considered the same, and instruct me to report the bill back to the Senate, and recommend that it do pass.

N. G. SHELLEY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred House bill No 438, to be entitled "An act to

authorize the County Court of Gillespie county to levy a tax for repairing roads," have carefully considered the same, and instruct me to report it back and recommend that it do pass.

N. G. SHELLEY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred House bill No. 320, to be entitled "An act to authorize the County Court of Comanche county to issue bonds for certain purposes," have carefully considered the same, and instruct me to report it back and recommend its passage.

N. G. SHELLEY, Chairman.

The following bills were taken from the President's desk, read first time, and referred to the committees indicated:

House bill No. 173, "An act to prohibit the sale of intoxicating liquors within two miles of the institution of learning situated at Woods, in Panola county." Referred to the Committee on State Affairs.

House bill No. 449, "An act to prescribe the number of clerks to be employed in the office of the Adjutant General, and fixing the compensation of the same." Referred to the Committee on Militia.

House bill No. 261, "An act to amend an act entitled an act to adopt and establish a Penal Code for the State of Texas, approved August 26, 1856." Referred to Judiciary Committee No. 2.

House bill No. 473, "An act to authorize the county of Bell to issue interest-bearing bonds." Referred to Committee on Finance.

House bill No. 205, "An act to be entitled an act concerning the acquisition and alienation of lands by railroads, and to prevent landed monopolies." Referred to Judiciary Committee No. 1.

House bill No. 239, "An act for the relief of W. M. Jackson." Referred to Committee on Claims and Accounts.

House bill No. 284, "An act for the relief of L. W. Ludlow." Referred to Committee on Private Land Claims.

House bill No. 125, "An act to prescribe the mode and manner of designating exempted homesteads in certain counties." Referred to Judiciary Committee No. 1.

House joint resolution No. 527, amending joint resolution authorizing the Comptroller and Treasurer each to employ two additional clerks. Referred to Committee on Comptroller's and Treasurer's Offices.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: I have the honor to report that I did, on yesterday, at 12 o'clock M., present to his Excellency the Governor, for his signature and approval, Senate bill No. 5, "An act for the relief of the heirs and assigns of Haynes Crabtree, deceased"; and Senate bill No. 48, "An act authorizing the patenting of a certain bounty warrant therein named."

H. R. LATIMER, Chairman.

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 1, to whom was recommitted Senate bill No. 122, entitled "An act to amend an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties," having carefully re-examined the same, ask leave to report it back to the Senate, and recommend its passage.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 1, to whom was recommitted Senate bill No. 199, entitled "An act to amend section two of an act concerning divorce and alimony," having further considered the same, instruct me to report it back to the Senate, and recommend its passage.

JOHN L. HENRY, Chairman.

Senator Pyle, chairman of the Committee on Agriculture, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Agriculture have carefully considered a bill to be entitled "An act to incorporate the Agricultural, Mechanical and Immigration Association of Shelby county," and would respectfully recommend that it do pass.

W. H. PYLE, Chairman.

Senator Swift, chairman of the Committee on Claims and Accounts, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Claims and Accounts, to whom was referred the claim of S. B. Buckley for services as Assistant State Geologist in 1861, for \$312.50, and for services in arranging the geological collection in 1866, for \$1000, and also for services as Assistant State Geologist under Governor Throckmorton's administration in 1866, for \$1675, have carefully considered the same, and I am instructed to report that the State is not indebted to claimant, except for the last named sum; and therefore report the accompanying bill and recommend its passage.

W. H. SWIFT, Chairman.

On motion of Senator Finlay, the rules were suspended to take up out of its order House bill No. 121, "An act making an appropriation to pay the mileage and *per diem* of Presidential electors."

The bill was read second time, and passed to third reading; rules further suspended, and the bill passed by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Dillard, Ford, Finlay, Flanagan, Franks, Gaines, Hall, Henry, King, Latimer, Rawson, Ruby, Sayers, Shelley, Swift, Tendick, Word and Mr. President—21.

Senate bill No. 181 was taken up and read second time.

Senator Franks proposed to amend as follows: Amend section four by striking out the words "it's roll and tally lists," and insert "all other returns to him made." Adopted.

Senator Dillard proposed to amend as follows: Amend section two, line twenty, by striking out all after the word "or," in line twenty, to the word "as," in line twenty-one, and insert as follows: "Should the election appear to have been illegally and fraudulently conducted to order a new one." Adopted.

Senator Franks proposed to amend as follows: "And all laws heretofore enacted relating to contested elections are hereby repealed." Adopted.

The bill as amended was then ordered engrossed; rules suspended, read third time and passed.

A message was received from the House informing the Senate that the House had adopted a concurrent resolution instructing sheriffs to suspend the collection of the one per cent. school tax for a time therein named.

House bill No. 91, "An act to amend an act entitled an

act to establish a Code of Criminal Procedure for the State of Texas," together with the report of the committee recommending that the bill do not pass, taken up, and the report of the committee adopted.

The following House bills were taken from the President's desk, read first time and referred to the committees indicated:

House bill No. 543, "An act for the relief of the heirs of the Rev. Martin Ruter, deceased." Committee on Private Land Claims.

House bill No. 304, "An act to validate bounty land warrant issued to John B. Fox." Judiciary Committee No. 2.

House bill No. 300, "Joint resolution making an appropriation for certain purposes." Committee on Contingent Expenses.

House bill No. 48, "An act regulating juries." Judiciary Committee No. 1.

House bill No. 544, "Joint resolution in relation to the rooms in the Capitol building." Committee on Public Buildings.

House bill No. 260, "An act concerning the admission of attorneys and counsellors at law to practice in the Supreme Court." Committee on Judiciary No. 2.

House bill No. 421, "An act for the relief of the heirs of James N. Shell, deceased." Committee on Private Land Claims.

House joint resolution No. 290, concerning the debt of Texas, taken up, read second time and recommitted.

The following bills were taken from the President's desk, read, and referred to the committees indicated:

House bill No. 7, "An act to allow the present Chief Justice of the Supreme Court of this State to resign and retire from the bench with full pay for the residue of his term." Committee on Judiciary No. 1.

Senate bill No. 227, "An act to reincorporate the town of Denton, State of Texas." Committee on State Affairs.

House bill No. 105, "An act for the relief of certain citizens of Limestone and Walker counties." Referred to Judiciary Committee No. 1.

On motion of Senator Sayers, Senate bill No. 218, "An act to establish a system of public free schools in the State of Texas," was taken up and made the special order for next Monday, at 11 o'clock A. M.

House bill No. 267, "An act to amend articles four hundred and twelve and four hundred and eighteen of the Penal Code, as amended by act passed May 11, 1871," was taken up, and on motion of Senator Shelley, made the special order for next Saturday, at 11 o'clock A. M.

Senate bill No. 101, "An act for the relief of Daniel Donaho, deceased," was taken up, read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Evans, Ford, Finlay, Franks, Hall, King, Latimer, Pyle, Randle, Ruby, Shelley, Swift, Tendick, Word and Mr. President—14.

Nays—Senators Broughton, Flanagan, Henry and Rawson—4.

Senate bill No. 124, "An act to incorporate the town of Granberry, in Hood county," was taken up, read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Dillard, Evans, Ford, Finlay, Franks, Hall, Henry, King, Latimer, Pyle, Rawson, Ruby, Sayers, Shelley, Swift, Tendick, Word and Mr. President—21.

House bill No. 420, "An act for the relief of the heirs of Wm. Garnett, deceased," was taken from the President's desk, read first time and referred to the Committee on Private Land Claims.

By leave, Senator Shelley introduced a bill to be entitled "An act to incorporate the Austin and Pacific Short Line Railroad Company." Read first time and referred to the Committee on Internal Improvements.

Senate bill, No. 106, "An act for the relief of Joseph Hoya," was taken up, read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Evans, Ford, Finlay, Franks, Hall, King, Latimer, Pyle, Randle, Ruby, Shelley, Swift, Tendick, Word and Mr. President—18.

Nays—Senators Broughton, Henry and Rawson—3.

Senate bill No. 47, "An act for the relief of the heirs or assignees of Wm. Stephens," was taken up, read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Evans, Ford,

Finlay, Franks, Gaines, King, Latimer, Randle, Ruby, Shelley, Swift, and Tendick—15.

Nays—Senators Broughton, Flanagan, Fountain, Hall, Henry, Pyle, Rawson, Word and Mr. President—8.

Senator Henry moved to reconsider the vote just taken. Carried.

House bill No. 146, "An act to amend an act to incorporate Austin College, approved November 22, 1849," was taken up and read second time.

Senator Randle offered the following amendment, viz.: Amend section one by inserting after the word "do," in the eighth line, the words: "*Provided*, the grounds and buildings shall revert back to the city of Huntsville." Adopted.

The bill passed to third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Evans, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Henry, King, Latimer, Pyle, Randle, Ruby, Sayers, Shelley, Swift, Tendick, Word and Mr. President—22.

House bill No. 545, "An act making an appropriation to pay F. E. McManus one month's salary as Judge of the Fifteenth Judicial District of the State of Texas," was taken up, read second time and passed to third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Evans, Finlay, Fountain, Franks, Gaines, Hall, Henry, Latimer, Pyle, Rawson, Randle, Ruby, Sayers, Shelley, Swift, Tendick and Mr. President—20.

Nays—Senators Flanagan and Word—2.

Senate bill No. 137, "An act to incorporate the Kaufman Savings Bank," was taken up and read second time.

Senator Flanagan offered the following amendment, viz.: After the name "Z. T. Adams," in section one, insert "H. L. Parsons, C. H. Bennett and B. S. Wood." Adopted.

The bill as amended was then ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Henry, Latimer, Pyle, Rawson, Randle, Ruby, Sayers, Shelley, Swift, Tendick, and Mr. President—18.

Nays—Senators Dillard and Word—2.

The hour having arrived, the special order was taken up, viz., the consideration of bills of a private nature.

Senator Fountain called up Senate bill No. 223, "An act to submit the permanent location of the county site of El Paso county to a vote of the people of said county." The bill was read second time, and ordered engrossed; rules suspended, read third time and passed.

Senator Franks called up Senate bill No. 178, "An act to incorporate the Texas Library and Publishing Company." The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Henry, King, Latimer, Rawson, Randle, Sayers, Shelley, Swift, Tendick and Word—21.

Senator Gaines called up House bill No. 259, "An act to authorize the County Court of Washington and Grimes Counties to aid in the construction of the Brazos bridge, near the town of Washington, in Washington county." Bill read second time, and ordered engrossed; rules suspended, read third time and passed.

On motion of Senator Ball, the Senate adjourned to 10 o'clock A. M. to-morrow, by the following vote:

Yeas—Senators Ball, Evans, Ford, Finlay, Flanagan, Franks, Gaines, Hall, King, Rawson, Randle and Tendick—12.

Nays—Senators Avinger, Dillard, Fountain, Henry, Latimer, Sayers, Shelley, Swift and Word—9.

SENATE CHAMBER.

AUSTIN, TEXAS, April 4, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. Mr. Carr.

Journal of yesterday read and adopted.

Senator Shelley presented a petition for the relief of William Simpson. Read and referred to the Committee on Private Land Claims.

Senator Gaines presented a petition for the relief of Willett Holmes. Read and referred to the Committee on Private Land Claims.